

REMARKS

Claims 1, 3 through 35, 67 and 69 are in the application, with Claims 1, 67 and 69 having been amended, and with Claims 2, 36 through 66, 68 and 70 through 72 having been cancelled. Claims 1, 67 and 69 are independent. Applicants respectfully request reconsideration and further examination.

Claim Rejections

35 U.S.C. §112

Claims 58 through 60 were rejected under 35 U.S.C. §112. These claims have been cancelled by the present paper. Accordingly, withdrawal of the rejection under §112 is respectfully requested.

35 U.S.C. §101

Claims 1 through 66 were rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter. The Office Action indicates “The claims disclose a method for providing a service however there is no statutory entity within the method that performs any of the cited steps...” Applicants are unaware of any requirement for a “statutory entity” within a method claim that performs steps of the method claim. Accordingly, the existence of such a “statutory entity” has no bearing on whether the claims recite statutory subject matter.

M.P.E.P. §2106 sets forth considerations for evaluating the subject matter of computer-related inventions with respect to 35 U.S.C. §101. As noted in §2106(IV)(B)(2)(b)(ii), a computer-related process complies with §101 simply if it has a practical application in the technological arts. The methods of Claims 1 and 3 through 35 are methods for providing a service and therefore have a practical application in the technological arts. Consequently, Claims 1 and 3 through 35 comply with 35 U.S.C. §101. Withdrawal of the §101 rejection is respectfully requested.

35 U.S.C. §103

All pending claims were rejected under 35 U.S.C. §103 in view of U.S. Patent No. 5,544,321 (Thierner). In view of the foregoing amendments, reconsideration and withdrawal of the rejection is respectfully requested.

Amended independent Claim 1 concerns a method for providing a service. The method includes receiving a request for a service from a user, identifying a first data type and a second data type for determining a type of the service, receiving first data of the first data type, and receiving second data of the second data type. The first data is associated with the user and owned by a first business entity, and the second data is associated with the user and owned by a second business entity. The method further includes determining the type of the service to provide to the user based on the first data and the second data, and providing the service to the user based on the determined type of the service.

Thierner is not seen to disclose or to suggest the features of amended independent Claim 1. More specifically, Thierner does not disclose or suggest at least determining a type of service based on first data owned by a first business entity and second data owned by a second business entity. Rather, Thierner describes a system for monitoring state and location information of users and computing devices, and for selecting and controlling the devices based on the monitored information. Such control may include transferring control of the devices among users based on the monitored information.

In rejecting the original version of Claim 1, the Office Action describes Thierner's description of User Profile 102 located in the user's home directory as reading on the claimed "first data". The description of calendar content information 110 located in a file system is cited as reading on the claimed "second data". However, the user's home directory and the file system cannot be seen to disclose or suggest the presently-claimed first and/or second business entities. Accordingly, Thierner is not seen to disclose or to suggest determining a type of service based on first data owned by a first business entity and second data owned by a second business entity.

Amended independent Claim 1 and its dependent Claims 3 through 35 are therefore believed to be in condition for allowance. Amended independent Claims 67 and 69 relate to a medium and an apparatus roughly corresponding to the method of Claim 1. Claims 67 and 69 are therefore also believed to be in condition for allowance.

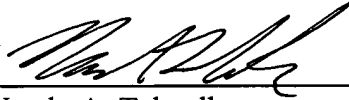
CONCLUSION

The outstanding Office Action presents a number of characterizations regarding the applied reference, some of which are not directly addressed herein because they are not related to the rejections of the independent claims. Applicants do not necessarily agree with the characterizations and reserve the right to further discuss those characterizations.

For at least the reasons given above, it is submitted that the entire application is in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience. Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact the undersigned.

Respectfully submitted,

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Date



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